

Fiscal Services Division Legislative Services Agency Fiscal Note

HF 2200– State Fire Marshal, Related Penalties (LSB 5063 HV)
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Fiscal Note Version — New
Requested by Representative Dwayne Alons

Description

House File 2200 relates to fire safety issues, including the promulgation of administrative rules by the State Fire Marshal and the definition of the criminal offenses of arson and harassment, and providing for a penalty.

Assumptions

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other corrections policies and practices will not change over the projection period.
3. A six-month lag time will result from the law's effective date (July 1, 2004) to the date of first entry of affected offenders into the correctional system.
4. Under the harassment provision of this Bill, in FY 2003, 1,449 persons were convicted of harassment; of which, 1,093 of those convictions were for simple misdemeanor offenses. The type of harassment was determined in 293 convictions. Of the 293 convictions, 9 people or 3.1% were convicted for committing harassment via a simulated explosive device. Of the 1,093 simple misdemeanor convictions for harassment in FY 2003, 33 or 3.0% involved simulated explosive devices.
5. Approximately half of the 33 convictions involving a simulated explosive device or 16 convictions would be charged as a serious misdemeanor.
6. In calendar year 2003, there were 1,096 methamphetamine labs and meth dumpsites found in Iowa. Approximately 18 to 20 lab sites involved fires.

Correctional Impact

The arson provisions of HF 2200 will result in ten additional charges per year; three charges would be for Arson - 1st and seven charges would be for Arson - 2nd. Most charges will result in convictions of a lesser offense. In FY 2005, two people will be convicted of Arson - 2nd. In FY 2006 and ongoing years, four people will be convicted of Arson - 2nd (Class C felony) and one person will be convicted of Arson - 3rd (Aggravated Misdemeanor). Comparing imprisonment rates for arson to those for drug crime offenders, no additional sentences to incarceration will occur under the Bill's provisions. Additional people will be sentenced to probation, but the impact will be minimal.

A person convicted of Arson - 1st would be sent to State prison for a forcible felony. However, these convictions will rarely occur. A person convicted of this offense would serve an average of 102 more months in prison than if convicted of a Class B felony drug offense and would serve an average of 115 month more than if convicted of a Class C felony drug offense. However, most of these convictions are already being charged under current drug offenses, and therefore, no new prison admissions are anticipated.

Under the new harassment provision of the Bill, a person guilty of harassment with a simulated explosive device in an unoccupied structure will be charged with a serious

misdemeanor penalty. Annually, 16 people currently convicted of a simple misdemeanor offense will be convicted of a serious misdemeanor offense.

Fiscal Impact

The fiscal impact for HF 2200 is anticipated to be minimal.

Under the new harassment of an occupied structure provision, the increased cost to the State is approximately \$13,000 and the increased cost to the counties is approximately \$2,000 annually.

Under the arson provision, the impact to the State is between \$40,000 and \$45,000 for State prison costs for each offender convicted of Arson - 1st. These costs would be incurred over a nine-year period.

Sources

Judicial Branch
Department of Public Safety
Department of Human Rights, Criminal and Juvenile Justice Planning Division

Dennis C Prouty

February 16, 2004

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.
